

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SEAN WIMS

Plaintiff,

against

**RIVER PARK RESIDENCES, L.P.,
RELIANT REALTY SERVICES, INC.,
PEN WISNESKI,
CVR ASSOCIATES, INC.,
NEW YORK STATE DIVISION OF HOUSING AND
COMMUNITY RENEWAL,**

Defendants.

AMENDED COMPLAINT

1:15-cv-04269-VSB

**PLAINTIFF'S RULE
26(a)(1) DISCLOSURES**

2015 Civ. 4269 (VSB)
Hon. Judge Broderick

To: George Howard Norelli, Esq.
Daniels Norelli Cecere & Tavel, PC
97-77 Queens Blvd., Suite 620
Rego Park, New York 11374
(718) 459-6000
ghnorelli@dnctlaw.com
Attorney for Landlord Defendants

Edward M. Fogarty, Jr. Esq.
Litchfield Cavo LLP
420 Lexington Ave, Suite 2104
New York, NY 10170
212-434-0100
fogarty@litchfieldcavo.com
Attorney for CVR Associates, Inc.

Division of Housing and Community Renewal
Hampton Plaza
38-40 State Street
Albany, New York 12207
866-275-3427

PLEASE TAKE NOTICE that, pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure ("Fed. R. Civ. P."), Plaintiff hereby submits the following Initial Disclosures. Plaintiff reserves the right to supplement these Initial Disclosures if additional information becomes

available.

These disclosures are made without in any way waiving: (1) the right to object on the grounds of competency, privilege, relevancy and materiality, hearsay, or any other proper ground, to the use of any such information, for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action; and (2) the right to object on any and all grounds, at any time, to any discovery request or proceeding involving or relating to the subject matter of these disclosures.

1. The following individuals are likely to have information that Plaintiff may use to support his claims or defenses:

- a. Sean Wims
40 Richman Plaza, Apartment 23F
Bronx, New York 10453

Mr. Wims is a plaintiff in this action. He is likely to have relevant information relating to all of the claims in this case as they pertain to his interactions with Defendants regarding his Section 8 voucher.

2. Documents:

Documents in Plaintiff's possession which he may use to support his claims consist of income and household information submitted to Defendants and/or DHCR, forms received from Defendants and/or DHCR acknowledging the receipt of documents, correspondences from Defendants and/or DHCR regarding the status of requests for interim recertifications, other information pertaining to requests for interim recertifications, documents relating to Plaintiff's certification as a Section 8 subsidy recipient, Section 8 documents pertaining to the inspection of Plaintiff's apartment, documents from CVR regarding the purported termination of Plaintiff's voucher and/or transfer requests, and documents related to court proceedings in Bronx Housing

Court. These documents are located at the offices of counsel for the Plaintiff. Plaintiff may also rely on other documents obtained during discovery and/or obtained from public records.

3. Computation of Damages:

Plaintiff's damages include:

- a. Actual damages, including, but not limited to:
 - i. damages in the actual amount sustained by Plaintiff, as well as for emotional distress suffered by Plaintiff;
 - ii. attorneys' fees and other litigation-related costs due to Housing Court proceedings and for time spent commencing and litigating this proceeding;
 - iii. retroactive and prospective payment of unpaid subsidy amounts;
 - iv. any other unpaid subsidy amounts;
- b. Statutory damages and relief, including, but not limited to:
 - i. costs and disbursements; and
 - ii. attorneys' fees as provided by 42 U.S.C. 1983.

4. Insurance Agreements:

Plaintiff is not aware of any insurance agreements under which an insurance company may be liable to satisfy part or all of a judgment or to indemnify or reimburse for payments made to satisfy the judgment.

Dated: December 18, 2015
Bronx, New York

Robert G. Hammond, of Counsel
Ian Davie, of Counsel
Kathryn Neilson, of Counsel
Christopher Lamb, of Counsel
Edward Josephson, of Counsel
John McDonald, of Counsel
LEGAL SERVICES NYC-BRONX
349 E. 149th Street, 10th Floor
Bronx, New York 10451
Attorneys for Plaintiff
(718) 928-3677